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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,099	06/09/2000	Michael J. Cannata	3251141-0002	1745

20988 7590 06/09/2004  
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EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/09/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/590,099

Applicant(s)

CANNATA ET AL.

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>18</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This is a third office action in response to applicant's amendment and request for continued examination filed, 12 March 2004, of application filed, with the above serial number, on 09 June 2000 in which claims 1, 17, and 18-20 have been amended. Claims 1,2 and 4-20 are therefore pending in the application.

It is noted that claim 18 is declared as being original, however, the claim has been amended.

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "Sharing data" and/or "shared data" being shared with the primary and secondary users and the terminology thereof is not explicitly disclosed in the specification, it is requested applicant specifically reference such limitations in the specification and drawings in next reply.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1, 17, 19, and 20 recite the limitation "said shared data" in line 12, 4, 11, and 11, respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-11, and 16-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (hereinafter "Jiang", 6,167,432) in view of Aras et al (hereinafter "Aras", 5,867,653).

5. As per Claim 1, Jiang discloses a system for providing a collaborative workspace for sharing data, wherein Jiang discloses:

(i) a network-connected server capable of receiving an initiate instruction from a primary user, said server for maintaining a hierarchy between said primary user (e.g. chairperson) and at least one secondary user (at least Fig. 3, 5; col. 5, lines 3-12);

(ii) a site builder for creating a dedicated site on said server in response to said initiate instruction, said dedicated site defining said collaborative workspace (setting up conference web site) (at least col. 2, lines 19-28);

(iii) a transmitter for sending information about the existence of said dedicated site to said at least one secondary user nominated by said primary user (transmit IP address) (at least col. 2, lines 28-38);

(iv) a communicator for transmitting data a) between said dedicated site and, said primary user and b) between said dedicated site and said at least one secondary

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user, said data being shared in accordance with said hierarchy between said users via said dedicated site (interconnected network with host hosting communication between participants) (at least col. 2, lines 19-33; col. 5, lines 3-26);

(v) memory for storing data associated with said dedicated site, said data from said primary and said at least one secondary user (at least col. 5, lines 3-16; col. 6, lines 51-52);

(vi) a processor for processing said stored data, said processed data being transmitted by said communicator to said primary user and said at least one secondary user (e.g. MIME type stream) (at least col. 5, lines 12-22).

Jiang discloses a communicator for transmitting data and memory for storing such data between the dedicated site and the participants; however, Jiang fails to disclose such centralization with all shared communication from one participant to another passing through a central location, as Jiang discloses such conferences being more peer-to-peer. However, the use and advantages for using such a protocol is very well known to one skilled in the art at the time the invention was made as evidenced by at least the teachings of Aras. Aras discloses a multicast system wherein all traffic from one participant is transmitted to a single multi-cast server to be transmitted to other participants (at least Fig. 2; col. 6, lines 34-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Aras' centralized system into Jiang's system as Jiang already discloses administrative and some non-administrative functions being controlled through the dedicated site and it would be advantageous and simplified to not have a peer-to-peer

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system as in Jiang as this would allow the central server to perform special and enhanced functions on the communication between participants such as storing communication in addition to IP address databases and admin function as in Jiang and also to notify participants of a client having dropped a connection due to network failures as Aras suggests.

6. As per Claim 2.

wherein said processed data is stored by said primary user and said at least one secondary user (stored in browser to launch an app) (at least col. 5, lines 19-26).

7. As per Claims 4 and 18.

wherein said primary and said at least one secondary users communicate via a web-browser (at least col. 4, lines 6-18).

8. As per Claim 5.

wherein said server contains an address database of communication addresses for said at least one secondary user connected to said network (IP addresses) (at least col. 3, lines 48-64).

9. As per Claim 6.

wherein said network includes an internet connection (at least col. 4, lines 6-12).

10. As per Claim 7.

wherein said primary and said at least one secondary users accessing said network are assigned a unique personal workspace for providing said primary and said at least one secondary users with access to features of said network designated for said

primary and said at least one secondary users (e.g. private / public, lounge, etc) (at least col. 4 line 59 - col. 5 line 2).

11. As per Claim 8.

wherein a user is assigned a password enabling access to predefined sites within said server (at least col. 4, lines 59-65).

12. As per Claim 9.

wherein the processor includes providing the primary user with a workgroup activity application (e.g. helper app) (at least col. 4, lines 24-30).

13. As per Claim 10.

wherein said workgroup activity application is selected from the group comprising bulletin board, chat room, calendar, contact database, change control, event planner, group discussion, issue management, project collaboration, presentation library, decision survey in a box, NGS proposal development and document management (at least col. 4, lines 6-30).

14. As per Claim 16.

wherein said transmitter is selected from the group comprising e-mail, a pop-up window (auto launching app), a telephone, and a facsimile (at least col. 3, lines 48-64).

15. As per Claim 17, Jiang discloses a method for providing a collaborative workspace for sharing data, wherein Jiang discloses:

(i) providing a network-connected server having upload and download capabilities (at least Fig. 8);

(ii) receiving instructions uploaded from a first user and for creating a dedicated network site on said server, said dedicated network site having a unique name based on instructions received (setting up conference web site / virtual conf. hall) (at least col. 2, lines 19-28; col. 4, lines 6-19);

(iii) communicating the existence of said dedicated intranet site to a nominated second user (transmit IP address) (at least col. 2, lines 28-38);

(iv) downloading data from said dedicated network site to said first and second users (e.g. helper app) (at least col. 5, lines 46-53);

(vi) storing data to be shared by said users in the dedicated web-site (at least col. 5, lines 3-16; col. 6, lines 51-52).

Jiang discloses a communicator for transmitting data and memory for storing such data between the dedicated site and the participants; however, Jiang fails to disclose such centralization with all shared communication from one participant to another passing through a central location, as Jiang discloses such conferences being more peer-to-peer. However, the use and advantages for using such a protocol is very well known to one skilled in the art at the time the invention was made as evidenced by at least the teachings of Aras. Aras discloses a multicast system wherein all traffic from one participant is transmitted to a single multi-cast server to be transmitted to other participants (at least Fig. 2; col. 6, lines 34-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Aras' centralized system into Jiang's system as Jiang already discloses administrative and some non-administrative functions being controlled through the



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dedicated site and it would be advantageous and simplified to not have a peer-to-peer system as in Jiang as this would allow the central server to perform special and enhanced functions on the communication between participants such as storing communication in addition to IP address databases and admin function as in Jiang and also to notify participants of a client having dropped a connection due to network failures as Aras suggests.

16. As per Claim 19 and 20, Jiang discloses a computer configured to operate a groupware application program for sharing data, wherein Jiang discloses:

- (i) a network for connecting to at least a primary and a secondary user (interconnected network) (at least col. 2, lines 19-33);
- (ii) a site builder for receiving instructions input from said primary user and for creating a dedicated site within the computer based on said instructions (setting up conference web site) (at least col. 2, lines 19-28);
- (iii) a mailer for looking up an address of said secondary user from an address database (IP addresses stored at site) (at least col. 3, lines 48-64);
- (iv) a communicator for communicating the existence of said dedicated site to said secondary user (transmit IP address) (at least col. 2, lines 28-38);
- (v) memory for storing information at said dedicated site at the request of the primary and the secondary user (at least col. 5, lines 3-16; col. 6, lines 51-52); and
- (vi) a processor for processing said stored information at the request of the primary and the secondary user (e.g. MIME type stream) (at least col. 5, lines 12-22).

Jiang discloses a communicator for transmitting data and memory for storing such data between the dedicated site and the participants; however, Jiang fails to disclose such centralization with all shared communication from one participant to another passing through a central location, as Jiang discloses such conferences being more peer-to-peer. However, the use and advantages for using such a protocol is very well known to one skilled in the art at the time the invention was made as evidenced by at least the teachings of Aras. Aras discloses a multicast system wherein all traffic from one participant is transmitted to a single multi-cast server to be transmitted to other participants (at least Fig. 2; col. 6, lines 34-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Aras' centralized system into Jiang's system as Jiang already discloses administrative and some non-administrative functions being controlled through the dedicated site and it would be advantageous and simplified to not have a peer-to-peer system as in Jiang as this would allow the central server to perform special and enhanced functions on the communication between participants such as storing communication in addition to IP address databases and admin function as in Jiang and also to notify participants of a client having dropped a connection due to network failures as Aras suggests.

17. As per Claim 11.

said at least one secondary user is a client (at least col. 1, lines 44-50; Fig. 6).

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Jiang does not explicitly disclose said primary user is an advisor. OFFICIAL NOTICE is taken that Jiang's conference chair could act as an advisor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of having an advisor advise clients with Jiang's system as this is simply a form of use for the invention and any person can behave as an advisor in a question/answer situation.

18. Claims 12-13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang in view of Aras and further in view of Sammon et al (hereinafter "Sammon", 6,563,914).

19. As per Claim 12.

Jiang and Aras do not explicitly disclose said bulletin board and document management includes recommended advice and research documents from said advisor. However, the use and advantages for using such a service is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Sammon (at least col. 7, lines 9-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a bulletin board into the lounge of Jiang and Aras as this would allow previous discussions, for example, to be posted and reviewed for members currently waiting for other members to join as Jiang discloses (see col. 4 line 59 - col. 5 line 2).

20. As per Claim 13.

wherein said chat room includes an on-line chat between said advisor (chair) and said client (at least col. 1, lines 44-50).

21. As per Claim 15.

wherein said group discussion includes a discussion between said advisor (chair) and said client (at least col. 1, lines 44-50).

22. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang in view of Aras and Sammon and further in view of Pinard et al (hereinafter "Pinard", 5,940,834).

Jiang, Aras, and Sammon do not explicitly disclose said calendar and event planner include a list of tasks to be done and a list of upcoming events. However, the use and advantages for using such a event planning is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Pinard (at least col. 8 line 66 - col. 9 line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a calendar to list upcoming dates and events and an event planner to include things to be done as Pinard discloses into Jiang, Aras, and Sammon's system as this would allow the conferences to be planned ahead of time for specific conferences to be done, for example, every week on projects to be done.

### ***Response to Arguments***

23. Applicants continue to argue, substantially, that Jiang fails to disclose 1) a transmitter feature, 2) a hierarchy feature, 3) an address database, and 4) a centralized feature.

24. Applicant's arguments filed 12 March 2004 with respect to 1-3 have been fully considered but they are not persuasive.

25. With respect to 1), Jiang discloses a user accessing a site and being able to join a private conference, for example, wherein a password, created by the conference chairperson, is needed to enter the conference, said password clearly being given out to the secondary user as they nominate and deem them eligible to participate via selecting the participants through the IP addresses maintained at the host server site.

26. With respect to 2), Jiang discloses a chairperson, wherein the chairperson is able to transfer administrative privileges to other users through the dedicated site, thus allowing transfer of data, ie. administrative privileges and thus user hierarchy rights, between the chairperson and secondary users through the site.

As stated previously, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims specify creating a dedicated site in response to some initiated action and transmitting information between the site and a primary user and the site and a secondary user.

Jiang clearly discloses a user creating a dedicated site. Figure 7 discloses the dedicated website that is created defining the workspace to enable other participants to join into. Jiang discloses a primary user creating the site in Figure 5. A user is

designated as being the 'chairperson' of the conference, while other users are designated as being participants and thus a hierarchy of users is created on the host (server) (at least col. 3, lines 44-47; Fig. 4).

Jiang discloses the client obtaining the IP addresses of the other participants so as all communication will be transmitted directly to each of multiple participants, and similarly received directly from each of multiple participants (at least Fig. 1, 2; col. 2, lines 14-38).

Jiang discloses the data to create or join a conference as being stored on the designated web site, and thus for a participant to initiate a connection to the conference, all communication as going through the central host (at least col. 5, lines 12-32). The timing of when the participants communicate with the central host is not disclosed in the claims. In fact, Jiang clearly discloses while in a conference, data may be transmitted to the host to change the conference chairperson or also to remove a participant from a conference and thus changing the conference record on the host during the conference (at least col. 3, lines 44-61).

27. With respect to 3), Jiang discloses the IP addresses of other participants to be saved on the host server, and users can transmit invitations to join conferences via usernames or member names without having to know the IP addresses of the participants (at least col. 2, lines 19-41).

28. Applicant's arguments, see page 7, filed 12 March 2004, with respect to the rejection(s) of claim(s) 1, 17, 19, and 20 under Jiang with respect to 4, a centralized

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feature, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Aras et al.

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Tatham et al (possible non-statutory obvious-type double patenting <claim 2>), McArdle et al, Namikata et al, Sonnenreich et al, Porter et al, and Sato et al, as well as previously cited Joseph et al, Tafoya et al, Ahuja et al (storing conferences), Harple et al (conference invitations), Gennaro et al (providing webpage to viewers), Smith et al (notifying recipient of document), Henderson et al (alerting recipient of document), D'Arlach et al (creating web-sites), Tarumi (groupware developing), and Yoshizawa (basic groupware systematics) are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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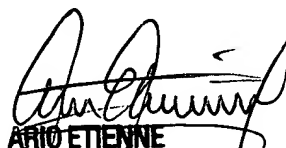
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Gregory Todd



Patent Examiner

Technology Center 2100

  
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